

REMARKS

This responds to the Office Action mailed on March 28, 2008.

Claims 1, 5, and 9-12 are amended, claim 4 is canceled. As a result, claims 1, 2, and 5-31 are now pending in this application. Support for the amendments is found generally within the present Patent Application (*see e.g.*, pg. 4 line through pg. 5 line 5)

Examiner Interview

Applicant thanks Examiner Bennet Ingvaldstadt and his Supervising Examiner for the telephonic interview on June 25, 2008. A proposed amendment to claim 1 was discussed during the interview. However, no agreement was reached during the interview as to the patentability of the claim as proposed, and the Examiners indicated that patentability would also depend on further prior art searching.

§103 Rejection of the Claims

1. Claims 1, 2, 5-6, 8, 9-19, 23-26 and 28-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Belknap (US 6,763,377) in view of Zhu (US 6,763,501). Claims 1, 16, and 23 were amended to more clearly recite the subject matter.

Applicant respectfully traverses the rejection because the cited portions of Belknap and Zhu, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest, the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Belknap and Zhu, among other things,

each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct VCR-type controls over the presentation of the video content,

as presently recited in claim 1 and incorporated into claims 2, 5-6, 8, 9-15, and similarly recited in claim 16 and incorporated into claims 17-19. Applicant also cannot find a method including

from the second network location, translating the video content to application independent video content according to logical actions included in the playlist, wherein

the logical actions include direct VCR-type controls over the presentation of the video content;

as presently recited in claim 23 and incorporated into claims 24-26 and 28-31.

The present Application teaches that direct controls over a video presentation include logical actions such as start, stop, pause, play and the like.¹ The Office Action concedes that the combination of Belknap in view of Zhu does not expressly teach wherein application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, etc., but states that Duso teaches that application specific commands include Play, Restart, and Pause.² However in Duso, these commands are requests originating from a client while a video session is playing,³ and are not logic actions included in a playlist.

In sum, at least for the reasons set forth above, Applicant respectfully submits that the present claims are patentably distinct over the proposed combination of Belknap and Zhu, and Applicant respectfully requests reconsideration of the rejection and allowance of the claims.

2. Claims 7, 20-22 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Belknap (US 6,763,377) in view of Zhu (US 6,763,501), and further in view of Duso (US 5,892,915). Applicant respectfully traverses the rejection because the cited portions of Belknap, Zhu and Duso, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Belknap, Zhu, or Duso, each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct VCR-type controls over the presentation of the video content,

as presently recited in claim 1 and incorporated into claim 7, and similarly recited in claims 16 and 23 and incorporated into claims 20-22 and 27.

¹ Application, pg. 4 lines 26-29.

² Office Action, pg. 15.

³ Duso, col. 3 lines 3-6, and col. 37 line 19 through col. 38 line 20.

As set for the above, the Office Action concedes that the combination of Belknap in view of Zhu does not expressly teach wherein application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, etc., and Duso refers to commands that are requests originating from a client while a video session is playing, and does teach or suggest such logic actions included in a playlist.

Moreover, the M.P.E.P. states that Graham v. John Deere Co. should be followed in the consideration and determination of obviousness under 35 U.S.C. § 103. The factual inquiries enunciated in Graham include ascertaining the differences between the prior art and the claims at issue.⁴ Ascertaining the difference between the prior art and the claims at issue includes considering a reference in its entirety, including disclosures that teach away from the claimed invention.⁵

Duso states that it is cumbersome to use the VCR functions in a broadcast where a stream needs to run continuously.⁶ Therefore, Duso teaches away from a playlist including direct controls over the presentation of the video content, as presently recited or incorporated into the claims.

Accordingly, Applicant respectfully requests reconsideration and allowance of claims 7, 20-22 and 27.

⁴ M.P.E.P. § 2141.

⁵ M.P.E.P. § 2141.02.

⁶ Duso, col. 2 lines 39-46.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of June 2008.

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